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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/631,076	08/02/2000	Steven Paul Hasmanis	COX 1484-007	8156
8698	7590	12/13/2006	EXAMINER	
STANDLEY LAW GROUP LLP 495 METRO PLACE SOUTH SUITE 210 DUBLIN, OH 43017			SING, SIMON P	
			ART UNIT	PAPER NUMBER
			2614	

DATE MAILED: 12/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/631,076

Applicant(s)

HASMANIS ET AL.

Examiner

Simon Sing

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-3, 5-10 and 12-14 rejected under 35 U.S.C. 103(a) as being unpatentable over Sartain et al. US 5,914,712 in view of Lewis et al. US 4,852,154 and further in view of Ferraro US 5,151,782.

1.1 Regarding claim 1, Sartain discloses an interactive video system (cable TV, column 4, lines 44-65) comprising:

a switch (a telephone system inherently comprising a switch) for receiving calls, including the caller's number (column 5, lines 1-6) and the called number (column 2, lines 49-56);

an automatic voice response unit 600 (figure 5) for providing recorded voice response with multiple applications (column 3, lines 29-34, 58-64; column 9, lines 42-46; column 10, lines 8-15);

a data storage component configured with customer information and event information, the customer information including account information (column 4, lines 26-

Art Unit: 2614

28; column 5, lines 1-6, 11-22) and the event information including a cable television event title (column 4, lines 6-18; column 10, lines 32-40); a temporary data container (log) for storing customer data received for use in call processing (column 4, lines 22-26);

wherein the system is configured to retrieve the customer data based on an identification number (column 4, lines 22-26) or calling telephone number (column 5, lines 1-6) and store the customer data in the log for use in subsequent call process applications (column 4, lines 22-28; column 5, lines 1-6, 11-22).

Sartain teaches providing different telephone numbers for different selection types such as regular selection and promotional activities (column 3, lines 17-20), but fails to teach that each television event has its own unique telephone number. Sartain also teaches that when ordering from a telephone outside a subscriber's home, some type of account number must be provided for payment (column 3, lines 51-54), and a caller's telephone number is used to check payment information (column 5, lines 1-8), but fails to teach using a calling number to obtain a caller's account.

However, since Sartain teaches cable television (column 4, lines 49-53), it is obvious that the television events advertised in figure 2 (column 4, lines 6-18) are pay-per-view programs not included in regular monthly cable television programming, and a promotional activity may have only one event (such as a sporting event), and the regular selection may also have only one new feature at a given time, then each event inherently has its own 1-800 or 1-900 number. In addition, each pay-per-view television event has its uniquely own telephone number, and using a calling number to obtain an

Art Unit: 2614

account number are old and well known in the art. A prior art by Lewis, discloses a pay-per-view cable television (CATV) system in figure 1, comprising a switch 18 for receiving a calling telephone and a called telephone number (column 3, lines 40-53; column 4, lines 24-35; column 5, lines 44-58), a computer 30 for storing customer and television events information (column 6, lines 33-35; column 3, lines 40-53), a voice response unit (VRU) 36 for interacting with customers (column 6, lines 48-59). Lewis teaches that each called telephone number uniquely identifies a selected television event (Abstract; column 3, lines 40-45). Furthermore, Ferraro teaches that a calling number (ANI) is used to obtain the account number of the caller in a cable television environment (column 14, lines 14-23).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Sartain's reference with the teachings of Lewis and Ferraro, so that each cable television's event, such as a pay-per-view event, would have its own unique telephone number for ordering, and a customer account number would have been retrieved by calling number, because, because such modification would have simplified cable event ordering by eliminating a program ID selecting step, and would have clarified how a customer was billed when calling from his own home.

1.2 Regarding claim 2, the modified Sartain's system is for pay-per-view movie or other television special events (Sartain, column 5, lines 1-22; Lewis, Abstract).

Art Unit: 2614

1.3 Regarding claim 3, Sartain teaches different application for different television programs on the voice response unit (column 3, lines 29-34).

1.4 Regarding claim 5, Sartain teaches multiple calling numbers for multiple programs which inherently has a number table for processing incoming calls based on the called number.

1.5 Regarding claim 6, Sartain teaches that the calling number and the called number are stored in the log (column 4, lines 22-28).

1.6 Regarding claim 7, it is inherent that various data are transmitted between the switch and the voice response unit, such as prompts and billing information.

1.7 Regarding claim 8, an examiner notice is served that it is well known in the art that there is a live operator connected to an automated system in order to solve problems encountered by the automated system.

1.8 Regarding claim 9, Sartain teaches retrieving a customer's data before processing ordering (column 5, lines 1-22).

1.9 Regarding claim 10, Sartain teaches that the customer's data includes credit data (column 5, lines 1-22).

1.10 Regarding claim 12, the modified Sartain reference, teaches that the voice response unit includes a called number pay-per-view (PPV) based application (column 3, lines 17-20), a menu based PPV application (column 3, lines 29-34) and a call routing functions for retrieving a customers data (column 4, lines 22-28).

1.11 Regarding claim 13, the modified Sartain reference teaches multiple telephone numbers, each for a television event, and Sartain teaches that each PPV program has its own prompt for processing orders (column 3, lines 29-34).

1.12 Regarding claim 14, Sartain discloses a method for television programs (events) ordering, comprising steps or:

receiving a call at a switch (a telephone system inherently comprising a switch) column (column 2, lines 49-56);

obtaining the caller's number (column 5, lines 1-6) and the called number (column 2, lines 49-56);

retrieving customer data from a database based on the calling number (column 5, lines 1-6);

storing the retrieved customer data in a log (temporary storage) (column 4, lines 22-28); and

running an automatic voice response application for cable television program ordering (column 3, lines 29-34; column 9, lines 42-46; column 10, lines 8-15).

Sartain teaches providing different telephone numbers for different selection types such as regular selection and promotional activities (column 3, lines 17-20), but fails to teach that each television event has its own unique telephone number. Sartain also teaches that when ordering from a telephone outside a subscriber's home, some type of account number must be provided for payment (column 3, lines 51-54), and a caller's telephone number is used to check payment information (column 5, lines 1-8), but fails to teach using a calling number to obtain a caller's account.

However, since Sartain teaches cable television (column 4, lines 49-53), it is obvious that the television events advertised in figure 2 (column 4, lines 6-18) are pay-per-view programs not included in regular monthly cable television programming, and a promotional activity may have only one sporting event, and the regular selection may also have only one new feature at a given time, then each event inherently has its own 1-800 or 1-900 number. In addition, each pay-per-view television event has its uniquely own telephone number, and using a calling number to obtain an account number are old and well known in the art. A prior art by Lewis, discloses a pay-per-view cable television (CATV) system in figure 1, comprising a switch 18 for receiving a calling telephone and a called telephone number (column 3, lines 40-53; column 4, lines 24-35; column 5, lines 44-58), a computer 30 for storing customer and television events information (column 6, lines 33-35; column 3, lines 40-53), a voice response unit (VRU) 36 for interacting with customers (column 6, lines 48-59). Lewis teaches that each called telephone number uniquely identifies a selected television event (Abstract; column 3, lines 40-45). Furthermore, Ferraro teaches that a calling number (ANI) is

Art Unit: 2614

used to obtain the account number of the caller in a cable television environment (column 14, lines 14-23).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Sartain's reference with the teachings of Lewis and Ferraro, so that each cable television's event, such as a pay-per-view event, would have its own unique telephone number for ordering, and a customer account number would have been retrieved by calling number, because, because such modification would have simplified cable event ordering by eliminating a program ID selecting step, and would have clarified how a customer was billed when calling from his own home.

2. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sartain et al. US 5,914,712 in view of Lewis et al. US 4,852,154 and further in view of Ferraro US 5,151,782 and further in view of Hendricks et al US 6,160,989.

The modified Sartain reference, teaches cable television a event ordering system, but fails to teach referring a customer to a live agent in case the customer has bad credit.

However, Hendricks discloses cable TV delivery system. Hendricks teaches that if a subscriber's account is delinquent (bad credit), any order of new program or channels is denied, and then the subscriber is referred to a live operator (agent) (column 33, lines 3-13).

Art Unit: 2614

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the Sartain's reference, which was modified by Lewis, with the teaching of Hendricks, so that orders from customers with bad credits would have been denied, and the customers would have been referred to a live operator for resolving payment questions, because such modification would have allowed the live operator to resolve payment issue with the customer.

3. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sartain et al. US 5,914,712 in view of Lewis et al. US 4,852,154 and further in view of Ferraro US 5,151,782 and further in view of Stoel et al. US 5,905,942.

The modified Sartain's reference, Sartain further teaches using a customer number (PIN) to identify a customer (column 5, lines 8-11), but fails to teach that the PIN includes a rating.

However, Stoel teaches a method for video distribution. Stoel teaches that a subscriber is required to enter PIN for PIN based rating of movies or PPV events (column 5, lines 41-58).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the Sartain's reference with the teaching of Stoel, so that the PIN would have included rating information, because such modification would have prevented minors to order adult programs.

Response to Arguments

4. Applicant's arguments filed on 07/03/2006 have been fully considered but they are not persuasive.

The applicants argues that Sartain does not teach or suggest that each TV program is has its own called number, and Lewis does not teach an interactive voice response unit.

As for each event has its own called number, it is obvious that when a selection type of a pay-per-view event, such as a regular selection or promotional activity may only have only one event at a given time, then the event inherently has its own called number. In addition, each pay-per-view television program has its uniquely own telephone number was old and well known in the art, as Lewis disclosed this limitation back in 1986. As for the interactive voice response unit, Sartain already teaches this limitation and Lewis also teaches a voice response unit 36 for confirming an pay-per-view order.

AS for the calling number and account number, as stated above, the new rejection has addressed this limitation.

Art Unit: 2614

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

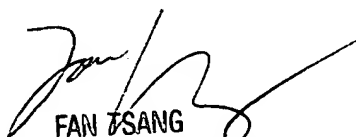
Kaplan (US 5,163,087) teaches using an ANI to retrieve a customer's account number (column 1, line 61 to column 2, line 5).

6. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Simon Sing whose telephone number is 571-272-7545. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached at 571-272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.



S. Sing

12/05/2006



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